

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

COURTNEY BOYD, #208921,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:06-CV-511-WKW
	)	
DR. DARBOUZE, et al.,	)	
	)	
Defendants	)	

**ORDER ON MOTION**

On April 4, 2007, the plaintiff filed a motion to identify defendant Jane Doe. In this motion, the plaintiff identifies Susanne Bush as the fictitious defendant originally listed in the complaint and seeks to assert additional claims for relief against this defendant and other unidentified health care officials for actions which occurred in March of 2007. The court therefore construes the latter portion of this document as a motion to amend. Upon consideration of the motions filed by the plaintiff, and for good cause, it is

ORDERED that:

1. The motion to identify Susanne Bush as a defendant to the claims presented in the original complaint be and is hereby GRANTED and Susanne Bush be added as a defendant in this cause of action.

2. The motion to amend seeking to present additional claims for relief relative to the medical treatment provided to him in March of 2007 be and is hereby DENIED. The plaintiff is advised that if he seeks to proceed on claims challenging medical treatment provided to him during March of 2007 he may file a separate cause of action under 42 U.S.C. § 1983 in this

court. 3. Defendant Bush undertake a review of the subject matter of the complaint (a) to ascertain the facts and circumstances of this complaint; (b) to consider whether any action should be taken to resolve the subject matter of the amended complaint; and (c) to determine whether other similar complaints, whether pending in this court or elsewhere, should be considered together.

4. On or before May 10, 2007, defendant Bush shall file a written report containing her sworn statement addressing the claims presented in the complaint. Authorization is hereby granted to interview all witnesses, including the plaintiff. Whenever relevant and if such documents have not been previously provided to the court, copies of medical and/or psychiatric records shall be attached to the written report. Where the plaintiff's claims or the defendants' defenses relate to or involve the application of administrative rules, regulations or guidelines, the written report shall include copies of all such applicable administrative rules, regulations or guidelines.

5. No motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the complaint, as amended, be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.

6. NOTICE TO PLAINTIFF.

(a) The *Federal Rules of Civil Procedure* require that the plaintiff mail to the lawyer for the defendants or, if no attorney has appeared on behalf of the defendants, the

defendants themselves a true copy of **anything** which he sends to the court. Failure to do so may result in dismissal of this case or other penalties. Anything filed should contain a certificate of service which specifically states that the pleading has been sent to the lawyer for the defendants. If the pleading does not contain a certificate of service, it will not be accepted for filing.

(b) With the exception of the complaint and any response ordered by the court, “[n]o other pleading shall be allowed” in this cause of action. Rule 7(a), *Federal Rules of Civil Procedure*.

(c) Each pleading, motion or other application submitted to the court shall contain "a caption setting forth the name of the court, title of the action, the file number, and a designation[,]" Rule 10(a), *Federal Rules of Civil Procedure*, and must be signed by the plaintiff. Rule 11(a), *Federal Rules of Civil Procedure*.

(d) Every application which requests an order or particular action by the court “shall be [presented] by motion which, unless made during a hearing or trial, shall be made in writing.” Rule 7(b)(1), *Federal Rules of Civil Procedure*. The application "shall set forth with particularity the grounds" for the motion and "the relief or order sought.” *Id.* Additionally, the request or application for relief must contain a proper caption setting forth a title designation which specifically states the action that the applicant or movant wants the court to undertake. Rules 7(b)(2) and 10(a), *Federal Rules of Civil Procedure*. Any application or request which fails to comply with the directives of the civil rules as outlined in this order will not be accepted by the court for filing.

**The plaintiff is hereby advised that the court will consider only those requests**

presented in an appropriate motion which is in the proper form. Consequently, any application for relief or request for action *must be contained in the title of the motion* to warrant consideration by the court.

(e) Any additional proposed amendments to this cause of action must be labeled with the words "amendment to complaint" or similar language, shall contain claims or facts which relate to the original complaint, and must be accompanied by a motion for leave to amend. *Additionally, no further amendments will be allowed unless the plaintiff establishes extraordinary circumstances justifying why such claims were not previously presented to the court.*

(f) It is the responsibility of the plaintiff to furnish the clerk's office with accurate addresses for the defendant(s) whom plaintiff wishes to serve. Without accurate addresses, service of process is impossible. It is also the responsibility of the plaintiff to monitor this case to make sure that the persons whom plaintiff wishes to sue have been served. If a person has not been served, he/she is not a party to this lawsuit except in very unusual circumstances.

The plaintiff is specifically **CAUTIONED** that his failure to file motions, pleadings or other papers in conformity with the *Federal Rules of Civil Procedure* and/or the directives contained in this order will result in such documents not being accepted for filing. The CLERK is **DIRECTED** to not accept for filing any pleadings, motions or other applications submitted by the plaintiff which are not in compliance with either the *Federal Rules of Civil Procedure* or the directives contained in this order.

The CLERK is hereby **DIRECTED** to furnish a copy of this order to the plaintiff and

counsel of record for the defendants. A copy of this order together with a copy of the complaint shall likewise be provided to Susanne Bush.

Done this 5<sup>th</sup> day of April, 2007.

/s/ Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE